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September 9, 2013

*errcd
commenced*

Regional Freedom of Information Request
U.S. Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

**Re: FOIA Request for Records Relating to the November 30, 2012 Train Derailment
in Paulsboro, New Jersey**

To Whom It May Concern:

This is a request under the Freedom of Information Act (FOIA). As you are aware, under the provisions of FOIA, each agency must make available, to any person, records identified and requested in accordance with procedures set out in this statute.

On November 30, 2012, a train carrying vinyl chloride in Paulsboro, New Jersey derailed. Documents released as part of the National Transportation Safety Board's (NTSB) investigation revealed that the Environmental Protection Agency (EPA) was present on November 30, 2012 and possibly days thereafter.

I hereby request the following records with regard to the EPA:

Any and all email and attachments, correspondence, memoranda, notes, diaries, minutes, letters, telegrams, interoffice and intraoffice communications, notations of any sort of conversations, telephone calls, voicemail messages, meetings notes, text messages, telefax, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing regarding testing, studies, or reports (final or draft) regarding the November 30, 2012 train derailment in Paulsboro New Jersey or any date thereafter.

When processing this request, please note that the D.C. Circuit has previously held that agencies have a duty to construe the subject material of FOIA requests liberally to ensure responsive records are not overlooked. *See Nation Magazine, Washington Bureau v. U.S. Customs Service*, 71 F.3d 885, 890 (D.C. Cir. 1995). Accordingly, you are hereby instructed that the term "record" includes, but is not limited to: 1) all email communications to or from any individual within your agency; 2) memoranda; 3) inter-agency communications; 4) sound recordings; 5) tape recordings; 6) video or film recordings; 7) photographs; 8) notes; 9)

notebooks; 10) indices; 11) jottings; 12) message slips; 13) letters or correspondence; 14) telexes; 15) telegrams; 16) facsimile transmissions; 17) statements; 18) policies; 19) manuals or binders; 20) books; 21) handbooks; 22) business records; 23) personnel records; 24) ledgers; 25) notices; 26) warnings; 27) affidavits; 28) declarations under penalty of perjury; 29) unsworn statements; 30) reports; 31) diaries; or 32) calendars, regardless of whether they are handwritten, printed, typed, mechanically or electronically recorded or reproduced on any medium capable of conveying an image, such as paper, CDs, DVDs, or diskettes.

In the event that access to any of the requested records is denied, please note that FOIA provides that any "reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under [FOIA]." 5 U.S.C. § 552(b). Please provide all non-exempt portions of the requested records that are reasonably segregable, describe the deleted material in detail, and specify the statutory basis for the denial, as well as your reasons for believing that the alleged statutory justification applies in each instance. If all or any part of this request is denied, please inform this firm of the appeal procedures available to it under the law.

This firm will reimburse the EPA for any reasonable expenses involved in complying with this request.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Very truly yours,

A handwritten signature in black ink, appearing to read "D A Damico", with a stylized flourish at the end.

David A. Damico

DAD/lmq